
DRAFT SCOTTISH STATUTORY INSTRUMENTS

2022 No.

The Disability Assistance for Working
Age People (Scotland) Regulations 2022

PART 4

Required Period Condition

The relevant date: Adult Disability Payment after an interval

14.—(1) This regulation does not apply where regulation 23 (Adult Disability Payment after an interval and after reaching the relevant age) applies.

(2) Paragraphs (3) and (4) apply where—

- (a) an individual makes an application for Adult Disability Payment (“the application”),
- (b) that individual had a previous award of—
 - (i) Adult Disability Payment,
 - (ii) Child Disability Payment,
 - (iii) Disability Living Allowance, or
 - (iv) Personal Independence Payment,

which ended not more than two years before the date on which the application is made,

- (c) the previous award referred to in sub-paragraph (b) consisted of the same component as the one to which the individual is entitled (or would be entitled if the individual met the required period condition) under the application, and
- (d) the Scottish Ministers determine that the entitlement under the application results from—
 - (i) substantially the same physical or mental condition or conditions for which the previous award was made, or
 - (ii) a new physical or mental condition or conditions which developed as a result of a condition for which the previous award was made.

(3) In relation to determination of entitlement under the application, the relevant date for the purpose of regulation 10(3) is the date on which the previous award ended.

(4) Where an individual is awarded either or both components under the application, in relation to continued entitlement to that component or, as the case may be, those components, the relevant date for the purpose of regulation 10(3) is—

- (a) during the period of 13 weeks following the date of the application, the date on which the previous award ended,
- (b) in any other case, each day of the award.

(5) For the purposes of this regulation—

- (a) an award of any of the following is to be treated as though it were an award of the daily living component of Adult Disability Payment—

- (i) the care component of Child Disability Payment,
 - (ii) the care component of Disability Living Allowance, or
 - (iii) the daily living component of Personal Independence Payment,
- (b) an award of any of the following is to be treated as though it were an award of the mobility component of Adult Disability Payment—
- (i) the mobility component of Child Disability Payment,
 - (ii) the mobility component of Disability Living Allowance, or
 - (iii) the mobility component of Personal Independence Payment.